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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-sixth session
Agenda item 22

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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XI THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

(a) Question of human rights of persons subjected to any form of detention or imprisonment

(b) Question of human rights and states of emergency

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

(d) The right to a fair trial

(e) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

12. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.16, sponsored by Mr. Bossuyt, Ms. Chavez, Mrs. Daes, Mr. Eide, Mr. Fan, Mrs. Gwanmesia, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer.

13. A statement in connection with the draft resolution was made by Ms. Palley.

14. The draft resolution was adopted without a vote.

15. For the text as adopted see chapter II, section A, resolution 1994/33.

Question of the impunity of perpetrators of violations of human rights

16. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.29, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Mrs. Daes, Mr. Decaux, Mr. El-Hajjé, Mr. Fan, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Fix Zamudio, Mr. Lindgren Alves, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer. Mrs. Gwanmesia subsequently joined as sponsor.

17. The draft resolution was adopted without a vote.

18. For the text as adopted see chapter II, section A, resolution 1994/34.

The right to a fair trial

19. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.35, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Chavez, Mrs. Daes, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

20. The draft resolution was adopted without a vote.

21. For the text as adopted see chapter II, section A, resolution 1994/35.

Question of human rights and states of emergency

22. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.50, sponsored by Mr. Decaux, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. El-Hajjé, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia and Ms. Warzazi.

23. Statements in connection with the draft resolution were made by Mr. Bossuyt, Mr. Chernichenko, Mr. Decaux, Mr. Eide, Mr. El-Hajjé, Ms. Palley and Mr. Yimer.

24. A statement on the estimate of the programme budget implications of the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

25. The draft resolution was adopted without a vote.

26. For the text as adopted see chapter II, section A, resolution 1994/36.

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